IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

WP(C).No. 22142 of 2007(J)

PETITIONER:

SHERIFA AKBAR, AGED 44 YEARS, W/O.AKBAR
KALATHUPADIKKAL HOUSE, KABOOS VILLAGE,
VENGANELLUR, CHELAKKARA, THRISSUR DT.

BY ADV. SRI.V.M.KRISHNAKUMAR
SMT.P.A.ANITHA

RESPONDENTS:

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1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
VYDYUTHI BHAVAN, THIRUVANANTHAPURAM.

2. ADDITIONAL DISTRICT MAGISTRATE,
THRISSUR.

3. ARUMUGHAN, VARNA NIVAS, VENGANELLUR,
CHELAKKARA, THRISSUR DT.

4. ASST.EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION,
CHELAKKARA, THRISSUR DT.

R1&4 BY ADV. SRI.P.P.THAJUDEEN, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.22142 of 2007

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Dated this the 6th day of August, 2007.

JUDGMENT

Petitioner's case is that even after drawing the line over a pathway to give her electric connection, the KSEB referred the matter to the second respondent who without hearing petitioner approved electric line over petitioner's property. According to the petitioner, the objection of the third respondent was not tenable and the ADM should not have approved line over petitioner's property which cuts across the whole property. However, Standing Counsel for KSEB produced sketch and submitted that the alternate route approved by the ADM over petitioner's property is also over a pathway in petitioner's property. It is submitted by counsel for petitioner that the existing line is over a pathway and the said pathway is the road to petitioner's property where the agricultural connection is sought. The line obviously has to be drawn limiting inconvenience to the land owners to the minimum possible. There is nothing wrong in retaining an electric line over a pathway because the same is not going to affect the ownership right of anybody over the pathway. In any case since the KSEB initially found another route more feasible and easier, I dispose of the W.P. with direction

to the second respondent to reconsider the matter after hearing the petitioner and third respondent and communicate the decision to the 4th respondent within a period of six weeks from the date of production of copy of this judgment by the petitioner. Connection will be given based on the order issued by the ADM after reconsidering the matter as above. The owner of the land over whose property the line is approved, is free to ask for laying underground cable at his/her cost.

C.N.RAMACHANDRAN NAIR
Judge

pms